

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**NATHANIEL SHAW,**

Plaintiff,

v.

**D.T. MARSHALL, et al.,**

Defendants.

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Case No. **2:07-CV-606-ID-SRW**

**RESPONSE TO ORDER TO SHOW CAUSE**

COME NOW Defendants Art Baylor and C. J. Coughlin, by and through counsel, and respectfully submit this response to this Court's *Order* (Doc. 6) and say:

1. On July 19, 2007, this Court ordered the defendants in the case to show cause why Plaintiff's *Motion for Temporary Injunction* (Doc. 5) should not be granted. (Doc. 6). In his motion (Doc. 5), Plaintiff demands a referral to an eye specialist and a "diabetic snack" between dinner and breakfast.

2. Plaintiff is currently incarcerated in the Montgomery County Correctional Facility ("MCCF"), which is operated exclusively by Montgomery County. Defendants Baylor and Coughlin are both members of the Montgomery Police Department, a department of the City of Montgomery. The City of Montgomery and Montgomery County are wholly separate entities.

3. Defendants Baylor and Coughlin have no authority or control over the medical care or food provided to inmates at the MCCF, nor do they have authority to release inmates housed at the MCCF for outside medical treatment.

4. Therefore, Defendants Baylor and Coughlin are not in a position to show cause why Plaintiff's motion should not be granted.

WHEREFORE, Defendants Baylor and Coughlin respectfully submit that they are unable to show cause why Plaintiff's motion should not be granted, but that the remaining parties, namely D. T. Marshall, Gina Savage and Dr. Johnny Bates, are the proper parties to show cause in this regard.

Respectfully submitted this 7<sup>th</sup> day of August 2007.

/s/ Allison H. Highley  
Allison H. Highley (HIG024)  
Attorney for Defendants Art Baylor  
and C. J. Coughlin

**OF COUNSEL**

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 7, 2007, I electronically filed the foregoing with the Clerk of Court which will cause e-mail notification to be sent to the following:

Wayne P. Turner, Esq.  
Post Office Box 152  
Montgomery, Alabama 36101

Constance C. Walker, Esq.  
Thomas T. Gallion, III, Esq.  
Haskell Slaughter Young & Gallion, LLC  
305 South Lawrence Street  
Montgomery, Alabama 36104

I further certify that on August 7, 2007, I mailed the foregoing via U.S. Mail, first-class postage prepaid, addressed as follows:

Nathaniel Shaw  
Montgomery County Detention Facility  
Post Office Box 4599  
Montgomery, Alabama 36103

/s/ Allison H. Highley  
Of Counsel